

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT T. BROCKMAN,

Defendant.

§
§
§
§
§
§ Cr. No. 4:21cr 009 GCH
§
§
§
§
§
§

UNOPPOSED DISCOVERY PROTOCOL AS TO OUTSTANDING TAMINE MATERIALS

Defendant ROBERT T. BROCKMAN, through counsel, having requested the production of material that may contain privileged information, specifically a box of unfiltered material described below, and the Court having ordered the production of said discovery, the parties agree to the following protocol.

1. This Protocol relates to hardcopy files obtained by the United States via a voluntary production from Evatt Tamine to the IRS on or around October 22, 2018 (the “Materials”). The Materials is a single box containing items described as follows:
 - Blue paper folder containing documents
 - Brown “Leatheroid” branded wallet containing documents
 - Two (2) clear plastic folders containing documents

- Two (2) FedEx envelopes containing documents
- Light green paper folder containing documents
- Dark green paper folder containing documents
- Olive green paper folder containing documents

The United States will provide to Defendant in a useable format a copy of any paper and electronic records included in the Materials.

2. The United States represents that the Materials were produced by Evatt Tamine, Individual-1 in the Indictment, to the government on or around October 22, 2018.
3. The United States further represents that the Materials were segregated and held by an IRS filter agent who is not otherwise involved or associated with any of the investigations related to this case. The Materials, which were in documentary or hardcopy form, were scanned by the filter agent into an electronic format.
4. On October 25, 2021, Michael Padula, counsel for Tamine, reviewed the Materials and represented to the prosecution team that the Materials contained a small amount of potentially privileged materials. The prosecution team has not reviewed the Materials to evaluate this claim.
5. As ordered by the Court, the government, through the filter agent, will produce the Materials to Defendant. Production of the Materials does not constitute a waiver of any attorney-client privilege or work product protection that may attach to any of the materials or information contained within the Materials.
6. Given that the Materials may contain privileged information, Defendant's counsel agrees to carefully consider whether any of the unfiltered material they or their client reviews is

subject to any evidentiary privilege, including to an attorney-client or work product privilege held by a third party. Upon discovery of any item in the Materials that may be subject to an evidentiary privilege, Defendant, and his counsel, agree to cease reviewing that item and notify the filter agent of the item(s).

7. While Defendant will be receiving the Materials, the prosecution team will not be receiving these materials. Accordingly, Defendant and his counsel, upon review of the Materials that relate to Defendant, agree to provide the prosecution team with a privilege log containing a list of the items over which Defendant is asserting his own attorney-client or work-product privileges.
8. Defendant and his counsel further agree to provide a copy of any of the Materials they intend to introduce as evidence in their case in chief at trial to the prosecution team.
9. We hereby consent to this Protocol and entry of an Order by the Court to incorporate its terms, if necessary.

Dated: January 7, 2022

DAVID A. HUBBERT
DEPUTY ASSISTANT ATTORNEY GENERAL

/s Corey J. Smith
COREY J. SMITH
Senior Litigation Counsel
Mass Bar No. 553615
corey.smith@usdoj.gov
202-514-5230 (v)

Attorney for the United States of America

/s Jason Varnado
JASON S. VARNADO
TX Bar No. 24034722
SDTX Ad. ID No. 32166
jvarnado@jonesday.com
832-239-3939 (v)

Attorney for Robert T. Brockman